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CONTEMPORARY CONSTITUTIONAL CHALLENGES IN INDIA : AN ANALYSIS OF KEY ISSUES

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I. ABSTRACT

Indian constitutional law combines ancient legal doctrines with innovative administrative practices. In recent years, India has faced significant contemporary challenges within its constitutional framework. These issues have garnered global attention. This article aims to analyse these modern challenges and their impact on India's constitutional laws, providing a comprehensive understanding of the current state of constitutional law in India. The initial discussion in this article explores the essence of constitutional law and its significance in India. Subsequently, it delves into key contemporary issues governed by constitutional law, including the Citizenship Amendment Act, Article 370, the Uniform Civil Code, Reservation Policies, and explores concepts such as morality, human rights, technology, privacy, and the role of the judiciary. In essence, this article offers insights into the complex interplay of tradition and innovation in Indian constitutional law, providing a deep understanding of the challenges and opportunities that shape the nation's constitutional landscape.

II. KEYWORDS

Indian Constitutional Law, Contemporary Challenges, Citizenship Amendment Act, Article 370, Uniform Civil Code, Reservation Policies.

III. INTRODUCTION

The Indian Constitution stands as a testament to the intricate fusion of traditional principles and modern governance ideologies. It serves as the cornerstone upon which the nation's legal framework is built, providing the essential rules, ideologies, and

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conventions that facilitate its functioning. This unique blend of time-honoured values and contemporary governance methods defines Indian constitutional law.

Adopted on January 26, 1950, the Constitution of India holds the distinguished title of being the world's longest written constitution. Comprising a preamble, 448 articles, and 12 schedules, it meticulously delineates the framework of the Indian government while safeguarding the fundamental rights and duties of its citizens. The Indian Constitution, often hailed as the supreme law of the land, serves as the bedrock upon which all other laws in the country are anchored. Its significance transcends boundaries, capturing the attention of not only the nation itself but also the global community.

In recent years, India has grappled with a multitude of contemporary issues spanning the realms of social, economic, and political dimensions. These challenges encompass concerns such as discrimination, privacy, freedom of speech, corruption, poverty, and unemployment, among others. The Constitution of India, like a guardian, assumes a pivotal role in addressing these issues and safeguarding the rights of its citizens. The motivation and significance behind the study of contemporary constitutional issues in India are profound. This analysis delves into the very essence of India's constitutional fabric, exploring the intricate interplay between tradition and progress. It seeks to uncover the underlying motivations that drive these challenges and their potential ramifications on the nation's future.

Through a critical examination of these contemporary issues, we aim to unravel their multifaceted nature and their impact on the Indian legal system. Central to this exploration are questions related to constitutional interpretation, individual rights protection, and the evolving role of the judiciary. In essence, this analysis embarks on a journey to not only understand these contemporary challenges but also to illuminate their broader significance in shaping India's path in the 21st century. It is a voyage into the heart of India's constitutional evolution, where the principles of justice, equality, and liberty intersect with the complexities of a rapidly changing society and globalized world.

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IV. IMPACT OF CONSTITUTIONAL LAWS ON CONTEMPORARY ISSUES

A. CITIZENSHIP AMENDMENT ACT (CAA)

One current topic in India involving constitutional law is the Citizenship Amendment Act (CAA). In December of 2019, lawmakers passed the CAA, which updated the Citizenship Act of 1955. Citizenship is granted to illegal immigrants from Pakistan, Bangladesh, and Afghanistan who identify as Hindu, Sikh, Buddhist, Jain, Parsi, or Christian, but not Muslims. The CAA is a contentious subject in India that has resulted in numerous protests and critical commentary. The CAA has been criticized on the grounds that it goes against the secularism and equality guaranteed by the Indian Constitution. Critics claim that Article 14 of the Constitution, which protects everyone from discrimination and ensures everyone is treated fairly under the law, has been violated by the CAA's targeting of Muslims.[2]

The CAA's detractors also claim that it violates India's fundamental constitutional principles. Some parts of the Constitution, according to the basic structure doctrine, are so essential that they cannot be changed through the amendment process.[3] Constitutional supremacy, the rule of law, and the ideal of equality are all pillars of this theory. Some critics say the CAA is unconstitutional since it goes against the whole idea of equality.[4] The court is evaluating the CAA's legitimacy. The Supreme Court has received numerous petitions contesting the CAA. Whether or not the CAA will have lasting effects on India's constitutional structure is an open question.[5]

B. ARTICLE 370

[2] Chandrachud, A. (2020). Secularism and the Citizenship Amendment Act. Indian Law Review, 4, 138 - 162.
[3] Yap, P. (2015). The conundrum of unconstitutional constitutional amendments. Global Constitutionalism, 4, 114 - 136.
[4] Robinson, N. (2012). Expanding Judiciaries: India and the Rise of the Good Governance Court. Washington University Global Studies Law Review, 8, 1-69.
[5] Moitra, S. (2020). The Citizenship Amendment Act's Incompatibility with the Indian Constitution, Politics, and International Law. Social Science Research Network.

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The contemporary issue of Article 370 of the Indian Constitution is that Article 370 established a distinctive status for the state of Jammu and Kashmir, granting it the privilege of possessing a distinct constitution, a unique flag, and the authority to enact its legislation. The temporary provision of the article was incorporated into the Constitution in 1949, and its periodic review was conducted to determine its continuation.[6] The Indian government revoked the special status of Jammu and Kashmir by abrogating Article 370 in August 2019. The decision was met with opposition and censure, as numerous individuals contended that it contravened the Constitution and the tenets of federalism. The Supreme Court of India was presented with a challenge to the abrogation of Article 370.

Critics of the revocation of Article 370 contend that it contravenes the fundamental tenets of federalism that are enshrined in the Constitution. The Indian Constitution incorporates federalism as a crucial characteristic, whereby authority is distributed between the central government and the states. Critics contended that the revocation of Article 370 contravenes this tenet by consolidating authority and diminishing the self-governance of Jammu and Kashmir. Furthermore, it has been contended by critics that the revocation of Article 370 was executed without the acquiescence of the populace residing in Jammu and Kashmir.[7] The principle of federalism necessitates those decisions that impact the states be made in consultation with the respective states. The revocation of Article 370, carried out without the authorization of the populace of Jammu and Kashmir, is perceived as a transgression of this fundamental principle.[8]

The revocation of Article 370 holds noteworthy ramifications for the constitutional framework of India. The matter has elicited inquiries regarding the interplay between the federal government and the individual states, the tenets of federalism, and the

[6] Nair, B. (2019). Abrogation of Article 370: can the president act without the recommendation of the constituent assembly?. Indian Law Review, 3, 254 - 279.
[7] Gupta, P. (2022). THE ABROGATION OF ARTICLE 370 AND ITS' CONSTITUTIONAL VALIDITY. Dogo Rangsang Research Journal.
[8] Hausing, K. (2014). Asymmetric Federalism and the Question of Democratic Justice in Northeast India. India Review, 13, 111 - 87.

safeguarding of the liberties of marginalized groups. The revocation of Article 370 is a current matter pertaining to constitutional law in India, and its effects on India's constitutional structure are yet to be determined.[9]

C. UNIFORM CIVIL CODE (UCC)

The Uniform Civil Code (UCC) is an emerging subject of argument in the field of constitutional law in India. The Uniform Civil Code (UCC) is a recommended legal framework aimed at replacing the personal laws of diverse religious communities in India with a uniform set of laws that would govern various aspects, including but not limited to marriage, divorce, inheritance, and adoption. The concept of a Uniform Civil Code (UCC) has been a subject of deliberation in India ever since the inception of the Constitution; Supporters of the Uniform Civil Code contend that its implementation would advance principles of gender parity and secularism by establishing a uniform body of laws that are not subject to religious influence. The argument posits that personal laws founded on religious beliefs exhibit gender discrimination and contravene the constitutional principles of equality in India. The Uniform Civil Code (UCC) is viewed as a mechanism to uphold gender equity and advance the principles enshrined in the Constitution.[10]

Critics of the Uniform Civil Code contend that its implementation could potentially violate the religious freedoms of both individuals and communities. The argument posits that personal laws grounded in religion constitute a fundamental component of the cultural and religious identity of both individuals and communities. Consequently, the imposition of a uniform civil code would represent a transgression of their rights. The matter pertaining to the Uniform Civil Code (UCC) prompts inquiries regarding the correlation between religion and the government in India. India is a nation that upholds the principle of secularism, and its Constitution enshrines the fundamental right to religious freedom. The Uniform Civil Code (UCC)

[9] Rather, T. (2020). Abrogation of Article 370 of the Constitution of India: Socio-Economic and Political Implications on Jammu and Kashmir. SSRN Electronic Journal.
[10] Rani, A. (2016). A Term Paper on Uniform Civil Code. International Journal of Advance Research, Ideas and Innovations in Technology, 2.

is perceived as a mechanism for harmonizing the interests of individuals with the constitutional tenets of secularism and egalitarianism.[11]

The Uniform Civil Code (UCC) is a pertinent contemporary matter concerning constitutional law in the Indian context. The implementation of the aforementioned proposal would have significant and extensive implications for individual rights, the interplay between religion and the state, and the constitutional structure of the nation. The Uniform Civil Code (UCC) continues to be a subject of deliberation and discourse, and its execution or non-execution will bear noteworthy implications for the legal and constitutional framework of India.[12]

D. RESERVATION POLICIES: ADDRESSING SOCIAL INEQUITIES

The contemporary issue of reservation policies in India is a critical aspect of constitutional law that demands an in-depth analysis. These policies involve the allocation of seats in educational institutions and government employment opportunities for socially and economically disadvantaged communities, primarily categorized as scheduled castes, scheduled tribes, and other backward classes. The implementation of these policies serves as a mechanism to uphold social justice and affirmative action, as enshrined in the Constitution of India.[13]

- **Constitutional Framework:**

The foundation of reservation policies in India lies within the Constitution itself. Articles 15(4) and 16(4) of the Indian Constitution provide the legal framework for affirmative action. Article 15(4) empowers the state to enact specific measures for the advancement of socially and educationally disadvantaged groups. Concurrently, Article 16(4) allows for the allocation of reserved positions in public sector employment for these communities. Additionally, Articles 330 and 332 of the

[11] Francavilla, D. (2021). La complessità dei diritti personali e il dibattito sul Codice civile uniforme in India. Stato, Chiese e pluralismo confessionale.
[12] Choudhary, V. (2010). A Proposal for Uniform Civil Code for Law of Succession in India.
[13] Soren, C. (2021). RESERVATION IN INDIA: RHETORIC AND REALITY. International Journal of Advanced Research.

Constitution mandate the reservation of seats in the Lok Sabha and state legislative assemblies for Scheduled Castes and Scheduled Tribes, further emphasizing the constitutional commitment to addressing historical inequities.[14]

- **Controversies Surrounding Reservation Policies:**

The implementation of reservation policies in India has not been without controversy. Proponents argue that these policies are vital in promoting social justice and affirmative action, helping marginalized communities overcome systemic disadvantages. They view reservations as a necessary corrective measure to address historical injustices and uplift these communities, ultimately fostering parity and societal equity. Opponents, however, raise concerns that reservation policies may inadvertently perpetuate discrimination by using caste-based criteria. They argue that such policies can lead to reverse discrimination and undermine the principle of equality. This perspective calls for a more nuanced approach to affirmative action that takes into account economic conditions and individual circumstances.[15]

- **Legal Challenges and the Supreme Court's Stance:**

The constitutionality of reservation policies has been the subject of legal challenges in various courts, with the matter eventually reaching the Supreme Court of India. In the landmark case of Indra Sawhney & Ors. vs. Union of India, the Supreme Court ruled in favor of the constitutionality of reservation policies. The court emphasized that these policies were essential to ensuring social justice and affirmative action, aligning with the fundamental principles of the Constitution.

- **Ongoing Debates and Challenges:**

Despite the Supreme Court's affirmation of reservation policies, their execution has faced criticism and scrutiny. Some critics argue that these policies are inadequately

[14] Singer, W. (2012). A Seat at the Table: Reservations and Representation in India's Electoral System. , 11, 202-215.
[15] Gulzar, S., Haas, N., & Pasquale, B. (2020). Does Political Affirmative Action Work, and for Whom? Theory and Evidence on India's Scheduled Areas. American Political Science Review, 114, 1230 - 1246.

implemented, often failing to reach the intended beneficiaries. Additionally, there are concerns that reservation policies may inadvertently sustain the caste system rather than eradicating it, as intended.

The topic of reservation policies remains a subject of ongoing debate, with persistent discourse and analysis regarding their effectiveness and execution. As India grapples with the complexities of addressing historical inequities while ensuring equal opportunities for all, the future of reservation policies remains a critical aspect of the country's constitutional framework. Reservation policies in India represent a multifaceted constitutional challenge that requires continuous examination and adaptation. Balancing the imperative of social justice with the need to uphold equality is a complex task, and the ongoing dialogue surrounding these policies reflects the evolving nature of India's constitutional commitment to addressing historical disadvantages.[16]

E. CONCEPT OF CONSTITUTIONAL MORALITY

The concept of constitutional morality is a pertinent topic in the context of Indian constitutional law in modern times. The term relates to the basic principles enshrined in the Constitution of India and the necessity to maintain their integrity across all domains of civic existence. Constitutional morality has emerged as a crucial notion in contemporary times, especially with regards to construing and executing constitutional provisions. The Indian Constitution is based on a number of fundamental principles, including but not limited to democracy, secularism, and social justice. The Constitution embodies these principles through diverse provisions, such as the Fundamental Rights and the Directive Principles of State Policy. Constitutional morality pertains to the adherence to these fundamental principles and

[16] Rajagopal, B. (2007). Pro-Human Rights but Anti-Poor? A Critical Evaluation of the Indian Supreme Court from a Social Movement Perspective. Human Rights Review, 8, 157-186. https://doi.org/10.1007/S12142-007-0004-8.

the need to advance and safeguard them in all areas of governance and societal existence.[17]

The significance of constitutional morality has been acknowledged by the Supreme Court of India in several cases. The Supreme Court ruling in Kesavananda Bharati vs. The State of Kerala[18] established that "*the Constitution is founded on fundamental principles and features, and any modification to the Constitution must not contravene these fundamental principles*". In the case of Navtej Singh Johar vs. Union of India, the Supreme Court acknowledged the s*ignificance of constitutional morality and affirmed the entitlement of the LGBTQ+ community to equality and dignity*.[19] The topic of constitutional morality holds significant relevance in the contemporary political scenario of India, where there are persistent deliberations and arguments concerning the construction and execution of constitutional clauses. The invocation of constitutional morality has been observed in diverse political and legal disputes, such as the abrogation of Article 370 in Jammu and Kashmir and the Citizenship Amendment Act.

The notion of constitutional morality generates significant inquiries regarding the judiciary's function and the necessity for responsibility in construing and executing constitutional provisions. The statement highlights the significance of maintaining the fundamental principles of the Constitution and guaranteeing their manifestation across all domains of responsible citizens' existence.[20]The matter holds great importance in the context of constitutional law in India. The concept pertains to the imperative of maintaining the fundamental principles of the Constitution and advancing social equity, democratic values, and secularism across all domains of governance and public affairs. The notion has garnered significant significance in modern times and has been cited in diverse political and legal disputes. The concept

[17] Kokina, M. (2022). Approaches to the definition of constitutional traditions. Cuestiones Políticas.
[18] Kesavananda Bharati vs. The State of Kerala
[19] Navtej Johar v. Union of India, AIR 2018 SC 4321
[20] Vakil, R. (2018). Constitutionalizing administrative law in the Indian Supreme Court: Natural justice and fundamental rights. International Journal of Constitutional Law, 16, 475-502.

of constitutional morality underscores the significance of ensuring responsible conduct and openness in construing and executing constitutional clauses.[21]

F. HUMAN RIGHTS

The contemporary issue of human rights is of great significance in the context of constitutional law in India. Human rights are related to fundamental rights and liberties that are essential to every individual, irrespective of their ethnicity, gender, nationality, or any other classification. The aforementioned rights have been codified in several global instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Constitution of India ensures that all citizens are entitled to fundamental rights, such as the right to equality, freedom of speech and expression, and the right to life and personal liberty. The Constitution incorporates provisions for safeguarding the rights of minority groups and other marginalized communities, such as Scheduled Castes and Scheduled Tribes.[22]

Notwithstanding the constitutional assurances, relentless concerns exist regarding the safeguarding and advancement of human rights in India. Instances of human rights violations have been reported across different domains of public life, such as law enforcement, healthcare, and education. The matter of human rights elicits significant inquiries regarding the government's function and the necessity for responsibility and openness in safeguarding and advancing human rights. The safeguarding and advancement of human rights have been the focal points of diverse legal challenges in India. The apex court of India has significantly contributed towards safeguarding human rights, which include the entitlements of minority groups and other underprivileged sections of society. The Supreme Court, in the matter of People's Union for Civil Liberties vs. Union of India, acknowledged the significance of

[21] Yildirim, S. (2004). Expanding Secularism's Scope: An Indian Case Study. American Journal of Comparative Law, 52, 901-918.
[22] Mukhopadhyay, D. (2022). A Case Study on Human Rights with a Reference to India. International Journal of Advanced Research in Science, Communication and Technology. https://doi.org/10.48175/ijarsct-5890.

safeguarding the rights of underprivileged communities and affirmed the constitutional soundness of the right to education.

The matter pertaining to human rights elicits inquiries regarding the interplay between international law and domestic law. India has signed several international human rights agreements, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. The incorporation of these global agreements into national legislation has been a topic of continuous deliberation and discourse. The safeguarding and advancement of human rights are imperative for the realization of the fundamentals of social equity and democracy that are embedded in the Constitution. The issue of human rights triggers significant inquiries regarding the government's function and the necessity for responsibility and openness in safeguarding and advancing human rights. The role of the Supreme Court of India in safeguarding human rights is of paramount importance. However, it is imperative to engage in ongoing deliberations and exchanges to ensure the efficacious incorporation of international human rights instruments into domestic legal frameworks.[23]

G. RIGHT TO PRIVACY AND TECHNOLOGY

The swift advancement of technology has facilitated the acquisition and continued use of personal information by individuals, thereby raising concerns regarding the safeguarding of privacy rights. The topic of privacy has gained significant prominence in the contemporary era of digital technology, wherein private entities and governmental organizations gather and analyze individuals' personal information.[24] The recognition of the right to privacy as a fundamental right under the Indian Constitution has been a topic of legal challenge in recent times. The Supreme Court of India acknowledged the right to privacy as a fundamental right under the Constitution of India in the notable case of Justice K.S. Puttaswamy (Retd.) vs. Union

[23] Hafner-Burton, E., Tsutsui, K., & Meyer, J. (2008). International Human Rights Law and the Politics of Legitimation. International Sociology, 23, 115 - 141.
[24] Michelfelder, D. (2001). The moral value of informational privacy in cyberspace. Ethics and Information Technology, 3, 129-135. h

of India[25]. As per the ruling of the court, the right to privacy is a fundamental component of the right to personal liberty and life, which is ensured under Article 21 of the Constitution.[26] Along with that, there are other cases that gave the people guidelines regarding technology advancement and privacy, such as The case of *K.S. Puttaswamy (Retd.) v\s Union of India* in 2017 is a notable case. The Supreme Court of India acknowledged the fundamental right to privacy under the Constitution in a significant legal precedent.The present case originated from a legal challenge to the Aadhaar card, a distinctive identification number that is provided by the Indian government to its inhabitants. The judiciary determined that the gathering of biometric information through the implementation of the Aadhaar program infringed upon the right to privacy.

The case of *Justice K.S. Puttaswamy (Retd.) vs Union of India* in 2018 is a significant case. The Supreme Court invalidated Section 57 of the Aadhaar Act, which had authorized private entities to employ Aadhaar for authentication purposes. The judiciary determined that the authorization of private enterprises to obtain Aadhaar information infringed upon the fundamental right to privacy. The case of *S. Puttaswamy vs. Union of India* (2019) resulted in a ruling by the Supreme Court that the act of intercepting and monitoring electronic communications by the government without proper authorization from the competent authority was deemed to be a breach of an individual's right to privacy.[27]

The case of *Ram Jethmalani vs. Union of India* (2011) resulted in a ruling by the Supreme Court that the act of installing CCTV cameras in private locations without the express consent of the individuals involved was deemed to be a breach of the right to privacy.[28] The case of *PUCL vs Union of India* in 1997 resulted in a ruling by the

[25] Justice K.S. Puttaswamy (Retd.) vs. Union of India, (2017) 10 SCC 1

[26] Bezanson, R. (1992). The Right to Privacy Revisited: Privacy, News, and Social Change, 1890-1990. California Law Review, 80, 1133.

[27] Aadhaar Card Case and Right to Privacy Sources:

- K.S. Puttaswamy (Retd.) v\s Union of India, (2017) 10 SCC 1.
- The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits, and Services) Act, 2016

[28] CCTV Cameras and the Right to Privacy:- Ram Jethmalani vs. Union of India, (2011) 8 SCC 1.

Supreme Court that the act of wiretapping telephones without a legitimate justification and without adhering to the legally established protocol constituted an infringement upon the right to privacy.[29]

The advancement of technology has presented novel challenges for safeguarding privacy rights. The prevalent utilization of social media and other digital platforms has raised apprehensions regarding the acquisition and utilization of personal information by private enterprises. The utilization of surveillance technologies by governmental entities has elicited apprehension regarding the possible infringement on privacy rights. The topic of privacy in relation to technology has sparked discussions regarding the government's responsibility in overseeing the implementation of technology. The regulation of the collection, storage, and utilization of personal data by private entities and governments is a crucial responsibility of the government in safeguarding privacy rights.[30]

The impact of innovation and technology on the right to privacy is a pertinent concern in the context of constitutional law in India. The protection of the right to privacy is a fundamental entitlement that is acknowledged under the Constitution. The expeditious advancement of technology has presented novel obstacles to safeguarding this right. The recognition of the significance of privacy rights and the necessity to safeguard them in the digital era has been acknowledged by the Supreme Court of India. The matter of privacy in relation to technology necessitates continuous discourse and deliberation to guarantee the sufficient safeguarding of privacy entitlements within the digital age.[31]

H. ROLE OF THE JUDICIARY

[29] Mohan, S. (1997). PUCL v. Union of India: A Landmark Judgment. Economic and Political Weekly, 32(35), 2236-2239.
[30] Rust, R., Kannan, P., & Peng, N. (2002). The customer economics of internet privacy. Journal of the Academy of Marketing Science, 30, 455-464..
[31] Michelfelder, D. (2001). The moral value of informational privacy in cyberspace. Ethics and Information Technology, 3, 129-135.

The role of the judiciary is another area of concern for India's legal system. The judiciary is responsible for interpreting the Constitution and upholding the rule of law. However, there have been numerous instances where the judiciary has been criticized for its failure to provide timely and effective justice[32]. Such as In the 1976 case of *ADM Jabalpur v. Shivakant Shukla*, the Indian Supreme Court supported the legality of the government-imposed emergency. The court ruled that, even though the government's acts during the emergency infringed on fundamental rights, they were not subject to judicial review. The verdict received harsh criticism for ignoring the judicial review principle and upholding the government's unconstitutional acts.[33]

In the 1973 case of *Keshavananda Bharati v. State of Kerala*, the Supreme Court ruled that the Constitution's fundamental principles could not be changed, not even by a constitutional amendment. Critics contend that the ruling was unduly expansive and gave the judiciary excessive authority to interpret and restrain the authority of the elected government.[34]

In *Vishaka v. State of Rajasthan (*1997), the Supreme Court upheld women's rights to a secure workplace and established rules to stop sexual harassment in the workplace. Although the ruling was generally praised, some people felt that it went too far in the direction of the judiciary making new laws rather than interpreting those already in place.[35]

The National Judicial Appointments Commission Act, which was intended to replace the current collegium system of assigning judges to the higher judiciary, was invalidated by the Supreme Court in this case. Although the ruling was welcomed as a win for the judiciary, several detractors claimed that it violated the democratic concept and that the judiciary should not have the last say regarding judicial appointments.

[32] Yusuf, H. (2010). Transitional justice, judicial accountability and the rule of law- a Nigerian case study.
[33] ADM Jabalpur v. Shivakant Shukla, AIR 1976 SC 1207 (India).
[34] Keshavananda Bharati v. State of Kerala
[35] Vishaka v. State of Rajasthan, AIR 1997 SC 3011 (India).

One area where the judiciary has faced criticism is the backlog of cases. India's courts are overburdened with a backlog of cases, which has led to delays in the delivery of justice. It is not uncommon for cases to take years, if not decades, to be resolved. This has undermined public confidence in the legal system and led to a lack of trust in the judiciary.[36] Along with that, a concern regarding the judiciary relates to the matter of judicial activism. Judicial activism is an occurrence where judges exceed their conventional function of interpreting the law and instead make policy decisions that are more appropriate within the jurisdiction of the legislative and executive branches. Controversy is prevalent in cases that pertain to social and political matters, including but not limited to abortion, same-sex marriage, and affirmative action.

The contemporary issue of utmost significance for the functioning of modern democracies pertains to the role of the judiciary in interpreting and applying constitutional laws through case law. Judges play a crucial role in upholding the principles and values enshrined in the Constitution and ensuring that the powers of the various branches of government are balanced and appropriately exercised through their decisions.[37]

V. CONCLUSION: NAVIGATING INDIA'S CONSTITUTIONAL CHALLENGES

In summary, this article has delved into the intricate landscape of contemporary constitutional law in India, where age-old legal principles intertwine with innovative administrative approaches to shape the Indian Constitution. India has encountered a multitude of pressing constitutional law issues, capturing both national and global attention. The article has undertaken an in-depth examination of one such contemporary concern, the Citizenship Amendment Act (CAA). The CAA has stirred considerable controversy within India, sparking widespread protests and intense debate. This legislation grants citizenship to undocumented migrants hailing from

[36] Appiah-Thompson, C. (2021). The politics of judicial review of elections in Ghana: Implications for judicial reforms and emerging electoral jurisprudence. Africa Review, 13, 251 - 269.
[37] Law, D. (2008). A Theory of Judicial Power and Judicial Review. Georgetown Law Journal, 97.

Pakistan, Bangladesh, and Afghanistan, provided they identify as adherents of Hinduism, Sikhism, Buddhism, Jainism, Parsi, or Christianity, with one notable exception—Muslims. The CAA has drawn criticism for seemingly running afoul of the core constitutional principles of secularism and equality enshrined in India's legal framework. Central to this discussion is the paramount importance of preserving the foundational tenets of the Constitution. Upholding social justice, democratic ideals, and secularism across all facets of governance and public affairs is imperative. This notion transcends the confines of legal and political discourse, permeating contemporary issues and shaping the nation's trajectory.

Additionally, constitutional morality emerges as a crucial concept, emphasizing the need for responsible conduct and transparency when interpreting and implementing constitutional provisions. This underscores the profound significance of conscientious behaviour in the application of constitutional principles. In conclusion, this article has offered a perceptive evaluation of India's current constitutional law landscape, with a particular focus on the Citizenship Amendment Act. It has highlighted pivotal concepts such as the safeguarding of fundamental constitutional principles and the exercise of judicious interpretation of constitutional provisions.

Looking ahead, the evolving nature of constitutional challenges in India prompts us to consider their potential implications for the future. As India continues to navigate these complexities, the nation faces the ongoing task of reconciling tradition with progress, and safeguarding the principles upon which its democratic foundation rests. The unresolved aspects of these challenges underscore the need for continued scholarly inquiry and responsible governance to ensure that India's constitutional ideals remain steadfast amid the ever-changing tides of time.

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